

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DIANOIA'S EATERY, LLC d/b/a
DIANOIA'S and PIZZERIA DAVIDE,

Plaintiff,

v.

MOTORISTS MUTUAL INSURANCE
COMPANY,

Defendant.

Civil Action No. 2:20-cv-00787-NBF

Hon. Nora Barry Fischer

SUPPLEMENTAL AND AMENDED NOTICE OF APPEAL

WHEREAS, on September 24, 2020, a Notice of Appeal to the United States Court of Appeals for the Third Circuit was filed in this matter [Doc. 25] with respect to the Order by which the Court declined to exercise its subject matter jurisdiction and remanded the instant matter to the Court of Common Pleas of Allegheny County, Pennsylvania, which was entered in this action on the 27th day of August, 2020 ("Remand Order") [Doc. 19]; and

WHEREAS, on September 24, 2020, the Appeal of this matter was docketed in the United States Court of Appeals for the Third Circuit at Case Number 20-2954; and

WHEREAS, following the filing of the Notice of Appeal, on September 24, 2020, the Honorable Nora Barry Fischer entered an Order in this Court [Doc. 26] denying, as moot, a Motion to reconsider and/or amend portions of the Remand Order [Doc. 20], but memorializing that the Clerk of Court would not transmit the Remand Order [Doc. 19] to the Court of Common Pleas of Allegheny County, at this time, thereby superseding, in part, the Remand Order [Doc. 19].

NOW, THEREFORE, notice is hereby given that Motorists Mutual Insurance Company, Defendant in the above named case, submits this supplemental and amended appeal to the United

States Court of Appeals for the Third Circuit from the Order by which the Court declined to exercise its subject matter jurisdiction and remanded the instant matter to the Court of Common Pleas of Allegheny County, Pennsylvania, which was entered in this action on the 27th day of August, 2020 [Doc. 19], and the Court's Order of September 24, 2020 [Doc. 26]. Copies of these Orders are attached hereto at Exhibits 1 and 2, respectively.

Respectfully submitted,

BURNS WHITE LLC

By: /s/ Matthew A. Meyers
Matthew A. Meyers (PA I.D. 202838)
E-mail: mameyers@burnswwhite.com
Robert E. Dapper, Jr. (PA I.D. 46378)
E-mail: redapper@burnswwhite.com
Taylor M. Davis (PA I.D. 327312)
E-mail: tmdavis@burnswwhite.com
Burns White Center
48 26th Street
Pittsburgh, PA 15222
(412) 995-3281 – Direct
(412) 995-3300 – Fax
*Attorneys for Defendant, Motorists Mutual
Insurance Company*

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on September 25, 2020, the within **SUPPLEMENTAL AND AMENDED NOTICE OF APPEAL** was filed electronically and will be served upon all counsel via the Court's ECF System. The Parties may access this filing through the Court's system.

JAMES C. HAGGERTY, Esquire
jhaggerty@hgsklawyers.com
HAGGERTY, GOLDBERG, SCHLEIFER &
KUPERSMITH, P.C.
1835 Market Street, Suite 2700
Philadelphia, PA 19103

SCOTT B. COOPER, Esquire
scooper@schmidt-kramer.com
SCHMIDT KRAMER, P.C.
209 State Street
Harrisburg, PA 17101

JOHN P. GOODRICH, Esquire
jack@goodrichpc.com
LAUREN R. NICHOLS, Esquire
lauren@goodrichpc.com
GOODRICH and ASSOCIATES, P.C.
429 Fourth Avenue, Suite 900
Pittsburgh, PA 15219

JONATHAN SHUB, Esquire
jshub@shublawyers.com
SHUB LAW, LLC
134 Kings Highway E., 2nd Floor
Haddonfield, NJ 08033

Attorneys for Plaintiff

/s/ Matthew A. Meyers

Matthew A. Meyers